



The Commission on
Women, Children, Seniors, Equity & Opportunity

CWCSEO

Connecticut General Assembly

**Testimony of the Commission on Women, Children, Seniors, Equity & Opportunity
Presented to the Labor and Public Employees Committee
March 9, 2023**

Good morning, Senator Kushner, Representative Sanchez, Senator Sampson, Representative Ackert, Senator Cabrera, Representative Wilson, and all honorable members of the Labor and Public Employees Committee; the Connecticut General Assembly's (CGA) Commission on Women, Children, Seniors, Equity, and Opportunity (CWCSEO) is writing to express support for HB 6859, SB 1177, and SB 1178.

In Support of:

H.B. No. 6859 (Raised) AN ACT CONCERNING PREDICTABLE SCHEDULING.

This proposal, if adopted by the CGA, would require certain employers to provide advanced notice (14 days in advance) to their employees of their work schedule. In specific, the employer will have to provide the average number of work hours, the range of work hours, and the number of days the employee can expect to work during the week – including which days of the week employees will be expected to be at work. Changes of schedule by the employer must be done in writing 24 hours in advance after making such change to their regular work schedule.

An employee may decline to work any shift that begins less than 11 hours after the end of their previous day's shift. However, if the employee consents to work such shift they shall do so with a compensation of 1 ½ times the regular rate of pay. Flexibility should be given to the employee when requesting adjustments to their work schedule, but the employer may grant or deny such request for any bona fide business reason that is not unlawful.

Nothing within this new proposal would prevent an employer to adopt policies related to their employee scheduling that are more favorable to their employees and any person aggrieved by a violation of any provisions of this proposal would be able to bring a civil action via the Labor Commissioner or the Attorney General to resolve the matter in an equitable way to provide an injunctive relief as the court deems appropriate.

HB 6859 Analysis

H.B. No 6859, known as the "Fair Work Week Bill," essentially requires employers mostly in the service sector to compensate hourly workers for scheduled shifts that get canceled without little or no notice at all. Most importantly it would allow employees to decline shifts with less than 11 hours of rest in between.



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According to researchers with *The Shift Project* at Harvard Kennedy School, only 19% of service sector workers in Connecticut have a regular daytime schedule.¹ One in 10 have recently had shifts canceled, and roughly a quarter work “on-call,” keeping their schedules open even if they ultimately aren’t assigned a shift.²

This is an important fact to keep in mind given that nearly “250,000 workers in Connecticut are employed in the retail and food service, which is characterized by low pay and few fringe benefits. Jobs with little control over the days and times that they will work. In addition, many service sector employers across the country rely on just-in-time and on-call scheduling practices designed to minimize labor costs by closely aligning staffing with consumer demand. These practices, unfortunately, can introduce a great deal of instability into the lives of workers and their families.”³

The Commission, therefore, is supportive of labor regulations as recommended by HB 6859, which have the potential to enhance stability and improve the quality of life for shift workers and their families. Currently, New York and Oregon State have passed legislation requiring a certain amount advance notice of work schedules (usually two weeks) and stipulating that workers be compensated by employers when their shifts are changed on shorter notice. These new labor regulations also include an “access to hours” provision, requiring that employers offer additional hours to their part-time workers before hiring additional part-time employees.

The Commission is also very interested on the impact of unpredictable schedules to working parents. Working parents exposed to this kind of scheduling have without a doubt significantly more difficulty arranging for childcare in such short notice and are also more likely to report having had to miss work because they could not arrange for childcare. An issue worth fixing to the benefit of both the employer and employee.

Case in point is that new research conducted by the University of Chicago⁴ has found that providing workers stable schedules two weeks in advance and eliminating on-call schedules led to a highly significant 5 percent increase in labor productivity — double the annual average. It also led to a 7 percent increase in sales, substantially exceeding typical desired growth. Business leaders would be wise to heed the results of the UChicago study. Enabling employees to predict and control their work lives will generate better business outcomes.

¹ See, Harvard University, *Working in the Service Sector in Connecticut*, [Working in the Service Sector in Connecticut](https://shift.hks.harvard.edu/working-in-the-service-sector-in-connecticut/)

² See, Harvard University, *Working in the Service Sector in Connecticut*, <https://shift.hks.harvard.edu/working-in-the-service-sector-in-connecticut/>

³ See, Harvard University, *Working in the Service Sector in Connecticut*, <https://shift.hks.harvard.edu/working-in-the-service-sector-in-connecticut/>

⁴ See, University of Chicago, *Stable Scheduling Increases Sales and Employee Productivity, Study Finds*, <https://news.uchicago.edu/story/stable-scheduling-increases-sales-and-employee-productivity-study-finds>



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S.B. No. 1177 (Raised) AN ACT CONCERNING ONE FAIR WAGE.

Under current Connecticut law, gratuity is recognized as part of the minimum fair wage. This bill proposes delinking gratuity from minimum wage, thus prohibiting employers to pay tipped workers a subminimum wage.

The number of restaurant and foodservice workers in the state experienced a decrease from 2017 to 2021⁵ due to variables like income instability and heightened risks to health exacerbated by the COVID-19 pandemic. Ensuring access to a higher guaranteed wage can help combat the workforce loss in these industries by increasing economic security for the over 135,000 restaurant and foodservice workers in Connecticut – a number that is projected to increase 15.7% by 2023.⁶

The Commission applauds the Labor and Public Employees Committee for its diligent work in introducing bills like SB 1177 that will provide economic stability and opportunity for workers in our state. When considering bills like SB 1177, we ask the committee to consider potential impact on local businesses. With a reported almost 12,000 Accommodation and Food Service small businesses in Connecticut⁷ and 73% of restaurants in the state being independently owned,⁸ deliberation on the impact this bill will have on local businesses is important.

S.B. No. 1178 (Raised) AN ACT EXPANDING CONNECTICUT PAID SICK DAYS.

Due to the eligibility restrictions that currently exist under Connecticut's paid sick leave law, only 11.2% of employed workers qualify for paid sick leave.⁹ Further disaggregation of this data reveals 81% of Latino/Hispanic workers, 81.6% of Black workers, 84.6% of women workers, 87.4% of immigrant workers, 90.7% of Asian American and Pacific Islander (AAPI) workers, and 91.4% of White workers are not eligible for paid sick days due to gender and

⁵ See, CT Restaurant Association, *Connecticut Restaurant Industry at a Glance*, <https://www.ctrestaurant.org/ct-restaurant-industry.html>

⁶ See, CT Restaurant Association, *Connecticut Restaurants Open Doors as the Industry of Opportunity*, <https://www.ctrestaurant.org/uploads/8/2/3/5/82358700/ct-state-fact-sheet-2022.pdf>

⁷ See, CT Small Business Association, *Connecticut*, <https://cdn.advocacy.sba.gov/wp-content/uploads/2022/08/30121309/Small-Business-Economic-Profile-CT.pdf>

⁸ See, FOX 61, *Connecticut Restaurants Struggle with State's Minimum Wage Increase*, <https://www.fox61.com/article/money/economy/connecticut-restaurants-state-minimum-wage-increase/520-adc66b8a-a45e-47f9-b83c-d4bff068e4c0>

⁹ See, National Partnership for Women & Families, *Connecticut Workers need a Stronger Paid Leave Law*, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/connecticut-stronger-paid-sick-leave.pdf>



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race/ethnicity.¹⁰ As a result, 1.6 million workers in Connecticut are excluded from accessing paid sick days.¹¹

This bill expands the state's paid sick days' law to (1) cover all private-sector employers and employees, (2) broaden the range of family members employees may use leave for, (3) increase the rate at which employees accrue leave, (4) broadens the reasons employees may use for paid sick leave, and (5) increases the maximum amount of hours an employee may accrue.

Expanding the access to paid sick days in Connecticut will help workers who are often faced with choosing between earning a paycheck or staying at home to care for their loved ones – or even for themselves. **For this reason, the Commission supports SB 1178.**

We appreciate the leadership of the Labor and Public Employees Committee.

Thank you for the opportunity to testify today.

Testimony prepared by Megan Baker, CWCSEO Asian American Pacific Islander Policy Analyst, Rosemary Lopez, CWCSEO Women's Policy Analyst, and Werner Oyanadel, CWCSEO Latino Puerto Rican Policy Analyst.

¹⁰ Calculations made using American Community Survey 2015-2019 5-Year (<https://www.census.gov/newsroom/press-kits/2020/acs-5-year.html>) estimates with IPUMS.

¹¹ See, National Partnership for Women & Families, *Connecticut Workers need a Stronger Paid Leave Law*, <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/connecticut-stronger-paid-sick-leave.pdf>